

Robert E. Franz, Jr. OSB #730915
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Of Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

RONDA MCGOWAN, Personal
Representative for the Estate of Brian
Babb, **LEE BABB, CONNOR BABB**, by
and through his Guardian Ad Litem,
STEPHANIE WOODCOOK, and
KAYLEE BABB,

Plaintiffs,

vs.

WILL STUTESMAN, OFFICER GROSE,
OFFICER PIESKE, SGT. MCALPINE,
CITY OF EUGENE, a municipal subdivision
of the State of Oregon, **JANE DOE CALL**
TAKER, and John and Jane Does 1-10.

Defendants.

Case No. 6:17-cv-00424-TC

AMENDED
Declaration of
Robert E. Franz, Jr.
in Support of FRCP 56
Motion for Summary
Judgment
by Defendants

I, Robert E. Franz, Jr., under penalty of perjury do hereby declare as follows:

I am over the age of 18, and I make this declaration based on personal knowledge of the facts contained herein.

Attached hereto as Exhibit 101, are true and correct copies of Stutesman's General Training Records.

Attached hereto as Exhibit 102, are true and correct copies of DPSST Firearms Training records for each of the defendants.

Exhibit 103 to this Declaration is a recording of the Live Dispatch Radio Traffic, provided to the Court and Plaintiffs' counsel by thumb-drive.

Attached hereto as Exhibit 104, is an Aerial Google of the scene.

Attached hereto as Exhibit 105 A is a Google Street View.

Attached hereto as Exhibit 105 B is another Google Street View.

Attached hereto as Exhibit 105 C is a depiction of the Officers' Location.

Exhibit 106 to this Declaration is an ICV Video from the Bearcat, provided to the Court and Plaintiffs' counsel by thumb-drive.

Attached hereto as Exhibit 107, is Stutesman's Photograph.

Exhibit 108 to this Declaration is an ICV Video from DeWitt with Audio, provided to the Court and Plaintiffs' counsel by thumb-drive.

Exhibit 109 – RESERVED.

Attached hereto as Exhibit 110, is a photograph close-up of the Babb Rifle.

Attached hereto as Exhibit 111, is a photograph of Mr. Babb in the doorway with his Rifle.

Attached hereto as Exhibit 112, is a photograph of the Bearcat with Mr. Babb in the picture.

Attached hereto as Exhibit 113, is a photograph of the Bearcat with Turret up.

Attached hereto as Exhibit 114, is a photograph of the Bearcat with the Lid up.

Attached hereto as Exhibit 115, are true and correct copies of the Training Records of Malcolm McAlpine.

Attached hereto as Exhibit 116, are true and correct copies of the Training Records of Matthew Grose.

Attached hereto as Exhibit 117, are true and correct copies of the Training Records of Nathan Pieske.

Exhibit 122 RESERVED.

Exhibit 123 to this Declaration is the Dispatch Radio Log, provided to the Court and Plaintiffs' counsel by thumb-drive.

PURSUANT TO 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED: Monday, October 1, 2018.

By: /s/ Robert E. Franz, Jr.
LAW OFFICE OF ROBERT E. FRANZ, JR.
Robert E. Franz, Jr.
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Attorney for Defendants